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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-sixth session

Summary record (partial)* of the 347th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 5 April 2017, at 3 p.m.

Chair: Mr. Brillantes

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Examination of the implementation of the Convention by Nigeria in the absence of a report (CMW/C/NGA/QPR/1)

1. **The Chair** said that, in accordance with the Committee's rules of procedure, the country rapporteurs would give a presentation of the progress that Nigeria had made in implementing the Convention, in the absence of the initial report of Nigeria and in the absence of a delegation from the State party.

2. **Ms. Ladjel** (Country Rapporteur) said that Nigeria was a large federal Republic located on the Gulf of Guinea in West Africa and shared borders with Benin, Niger, Chad and Cameroon. With a population of more than 190 million, Nigeria was the most populous country in Africa and the seventh most populous in the world. Because it had the largest economy on the African continent, Nigeria was an economic powerhouse that was often referred to as the "giant of Africa".

3. Nigeria was a State of origin, transit and employment for migrant workers; approximately 5 million of its nationals lived overseas, while some 600,000 foreign nationals lived in Nigeria. Since 2009, operations by Boko Haram had destabilized the security situation in Nigeria, leading to the loss of millions of human lives and to over 1 million internally displaced persons.

4. The State party had ratified the eight fundamental conventions of the International Labour Organization (ILO), as well as the ILO Migration for Employment Convention (Revised), 1949 (No. 97). However, it had not ratified the ILO Domestic Workers Convention, 2011 (No. 189), which meant that the rights of domestic workers in Nigeria and those of Nigerian migrant domestic workers who were recruited to work abroad were not sufficiently protected. The State party had ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1985, but the country's gender and equal opportunities bill had not been adopted until 2016. The Child's Rights Act had been adopted by 23 of the country's 36 states.

5. The State party had adopted a National Employment Policy in 2014 with the aim of better managing its labour market, and it had adopted a National Policy on Migration and an accompanying Implementation Plan in 2015. However, the lack of up-to-date information made it difficult to draw any conclusions as to the progress that had been made in implementing those two policies.

6. Nigeria had established the National Human Rights Commission in 1995. However, there was a lack of international visibility regarding the Commission's work. The State party had also established the National Agency for the Prohibition of Trafficking in Persons, but the structure of the Agency needed to be adapted so as to take into account the vast size of the country. In addition, the Agency's powers were not clearly defined and were not very extensive, a situation that was all the more problematic in that the penalty handed down by the courts in trafficking cases was limited to a fine. The Federal Ministry of Labour and Productivity was in charge of coordinating and regulating the State party's migration policy, but it lacked the human and material resources needed to fulfil its functions.

7. Although Nigeria had signed bilateral agreements with a number of countries, there was little information available about the contents of those agreements. Furthermore, Nigeria had not made either of the declarations provided for in articles 76 and 77 of the Convention. There was no Government-sponsored pre-departure training for migrant workers, and social workers required better occupational training and awareness of the country's legislation concerning migration.

8. In terms of discrimination, foreign men were unable to acquire Nigerian nationality on the same terms as foreign women, and foreign unaccompanied children, and foreigners with mental impairments often faced difficulties integrating into Nigerian society. Finally, children were often forced into labour in remote areas or in neighbouring countries, and the

children of migrants with irregular status usually lacked access to health care and education, and were often placed in detention facilities along with their families.

9. **Ms. Dicko** (Country Rapporteur) said that Nigeria faced numerous migration-related challenges. The presence of armed groups — especially Boko Haram — meant that Nigeria had become a very violent country, which placed women and children in a particularly vulnerable situation. The violence had led to mass internal displacement, which made it all the more difficult for the State party to implement the Convention. The trafficking of persons — resulting in individuals being sexually exploited and forced into labour and domestic servitude — was also very common. Nigeria's membership in the Economic Community of West African States (ECOWAS) provided for the free movement of goods and persons in the region; however, it also put Nigeria at the centre of a child trafficking network, whereby children were trafficked primarily for the purposes of labour exploitation on plantations in Côte d'Ivoire and Gabon.

10. The National Policy on Migration, which was aimed at promoting good migration governance, protecting migrant workers and optimizing development, had been adopted with support from the International Organization for Migration (IOM) and the European Union. Nigeria had not ratified the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) or the ILO Private Employment Agencies Convention, 1997 (No. 181).

11. **Ms. Landázuri de Mora** said that the State party had acceded to the Convention in 2009 and had therefore had a relatively short time to implement it, which could explain why it had not submitted a report or sent a delegation. The Committee should encourage the State party, helping it to understand that the major migration-related challenges it faced could largely be resolved through better implementation of the Convention. The Committee should make itself available to the State party and help to build the capacity of the national authorities by showing them how to use the Convention as a tool in formulating policy, designing programmes and developing the country's legislation on migration. It was also necessary to raise awareness of the Convention among civil society organizations in Nigeria so that they could promote its implementation.

12. **Mr. Brumme** said that the failure of Nigeria to submit a report and send a delegation to take part in an interactive dialogue with the Committee was an excellent illustration of a case in which it was necessary to enlist the cooperation of IOM. The Committee could encourage IOM to provide training and other technical assistance or support to countries that lacked the capacity to meet their reporting and other obligations under the Convention. Such cooperation should be a key issue in the Committee's dialogue with IOM.

13. **Mr. Coriani Cervadoro** said that, while he recognized the major challenges that Nigeria faced, he had the impression that it actually did have the necessary capacity and resources to produce a report and send a delegation to meet with the Committee. He wished to know whether the country rapporteurs had been able to obtain any information on the protection afforded by the State party, notably by its consular staff abroad, to Nigerian nationals who had left the country as result of violence relating to Boko Haram; Nigerian migrants in transit countries, particularly those who had remained in Libya in their attempts reach Europe; and Nigerian migrants who had been expelled from European countries. It would be interesting to know more about such protection, given the prevailing violence in Nigeria and the fact that Nigeria was one of the countries with which the European Union was expected to sign a bilateral agreement concerning repatriation and migration control.

14. **Ms. Ladjel**, responding to Committee members' questions and remarks, said that where there was political will, States parties found ways to meet their obligations, citing Mauritania as a recent example of a State party whose failure to submit its initial report had been due to its need for technical assistance in preparing the report. Once such assistance had been provided, the Government of Mauritania had quickly complied with its reporting obligations.

15. It was important to note that no non-governmental organizations had been present at the 342nd meeting to report on the situation of migrant workers' rights in Nigeria, nor had any alternative report been submitted to the Committee by such organizations. The

Committee should approach the Permanent Mission of Nigeria in Geneva in order to find out why no report and no delegation had been forthcoming and request it to transmit those questions to the State party. It was regrettable that the Committee had been prevented from carrying out its mandate to monitor the situation of the rights of migrant workers in as big a country as Nigeria, which was also one of enormous human and material potential. The fact that there were 5 million Nigerians abroad was significant and gave rise to a number of challenges that the State party needed to address.

16. **Ms. Dicko** said that, largely as a result of the lack of alternative reports from civil society organizations, no information appeared to be available on the return of migrants to Nigeria or on the situation of the rights of Nigerian migrants who were passing through Libya on their way to Europe.

The discussion covered in the summary record ended at 3.50 p.m.